

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:12-CV-570-FL

Krausz Industries Ltd.,

Plaintiff,

v.

Smith-Blair, Inc., et al,

Defendant.

Order

Smith-Blair, Inc. and Sensus USA, Inc. (collectively “Smith-Blair”) request that the court place the depositions of Mr. Bird and Mr. Cheatham (D.E. 236) and their privilege log exhibits (D.E. 250 & 251) under seal because they contain non-public information on Smith-Blair’s communications with counsel and may cause harm to their competitive position. *See* D.E. 237 & 252. Smith-Blair filed its two motions to seal on April 19, 2017 and May 4, 2017. These motions to seal have been present on the public docket since that time and no member of the public has opposed them. Krausz Industries Ltd. does consent to both of the motions to seal.

After considering the motions to seal and all related filings, the court finds that it should grant these motions to seal because they satisfy all of the factors set out in *In re Knight Publishing Co.*, 743 F.2d 231 (4th Cir. 1984). Smith-Blair has shown that the documents subject to the motions to seal contain non-public information on Smith-Blair’s communications with counsel and could cause harm to its competitive position. Based upon this showing, the court finds that the motions have overcome both the First Amendment and common law presumption of access. Additionally, although the public has had both notice of the requests to seal and a reasonable opportunity to oppose the motion, no one has filed any objections to them. Finally, the court has considered less dramatic alternatives to sealing and finds that they would be inadequate because they are either impractical or inadequate for preserving the information’s confidentiality.

Therefore, the court grants the motions to seal (D.E. 237 & 252). The court orders that the Clerk of Court shall permanently sealed the documents at issue.

Dated: June 29, 2017



Robert T. Numbers, II
United States Magistrate Judge